

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK HILL,

Plaintiff,

v.

Case No. 05-CV-71913-DT

CITY OF DETROIT et al.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S AMENDED
"MOTION FOR PARTIAL SUMMARY JUDGMENT . . ."**

Pending before the court is Plaintiff Mark Hill's amended Motion for Partial Summary Judgment, filed October 20, 2005. The court has determined that no hearing is required. E. D. Mich LR 7.1(e)(2).

Plaintiff has requested, and the court has agreed, that the court compel Defendant-Officer Robert Trozak to appear for his oral deposition.¹ (See 11/23/05 Order at 2.) In view of this pending deposition and the state of the briefing on this motion (in which neither party refers to significant facts of record, relying instead upon argument and characterizations) the basis for any such motion is incomplete and premature.

¹ During the November 22, 2005, hearing on Plaintiff's Motion to Compel and Defendants' Motion for Leave to File Notice, Plaintiff's counsel represented to the court that Defendant Officer Robert Trozak's deposition has now been scheduled.

Accordingly, IT IS ORDERED that Plaintiff's Amended Motion for Partial Summary Judgment [Dkt. # 17] is DENIED without prejudice.²

The status conference scheduled for **December 15, 2005 at 3:30 p.m.** remains on the court's docket.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 8, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 8, 2005, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

²If either party later files a dispositive motion, counsel is directed to appropriately support their factual assertions with specific citations to the record.